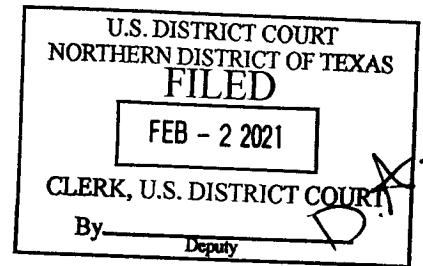


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION



MARVIN BISHOP,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§

2:18-CV-163-Z

**ORDER ADOPTING MAGISTRATE JUDGE'S  
FINDINGS, CONCLUSIONS, AND RECOMMENDATION**

On January 13, 2021, the Magistrate Judge entered Findings and Conclusions (ECF No. 52) on Defendant's Motion for Summary Judgment (ECF No. 42) and Plaintiff's Cross-Motion for Summary Judgment (ECF No. 45). The Magistrate Judge RECOMMENDS that Defendant's Motion be GRANTED IN PART and DENIED IN PART and Plaintiff's Cross-Motion be DENIED in its entirety. Plaintiff filed an objection on January 26. Defendant did not file an objection.

After making an independent review of the pleadings, files, and records in this case, the findings, conclusions, and recommendation of the Magistrate Judge, and Plaintiff's objection, the Court concludes that the findings and conclusions are correct. It is therefore ORDERED that the findings, conclusions, and recommendation of the Magistrate Judge are ADOPTED in their entirety. Specifically:

1. Defendant's Motion for Summary Judgment is GRANTED IN PART resulting in dismissal of Plaintiff's "personal injury" claim (including medical expenses, pain and suffering and punitive damages).

2. Defendant's Motion for Summary Judgment is DENIED IN PART and Plaintiff's "property damages" claim survives past summary judgment.

3. Plaintiff's cross-motion for summary judgment, as to all of his claims, is DENIED. Plaintiff has failed to show (1) no fact issue exists, and (2) he is entitled to judgment as a matter of law on his "property damages" claim.

Additionally, Defendant's Motion to Seal Appendix (ECF No. 44) is GRANTED.

Plaintiff's Motion to Expedite Judgment (ECF No. 50) is DENIED as moot.

**SO ORDERED.**

February 2, 2021.



---

MATTHEW J. KACSMARYK  
UNITED STATES DISTRICT JUDGE